wherein said comparing and determining that a match exists step is performed for the trade data contained in the trade execution information and the trade data contained in the trade allocation information only when a pairing has been found to exist.

REMARKS

By the foregoing Amendment, Claims 1, 11, 23, 38, and 39 are amended. Entry of the Amendment, and favorable consideration thereof is earnestly requested.

Claims 1-53 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,029,146 to Hawkins et al. Applicants have amended all claims to further highlight the novelty of the present invention and to obviate this rejection. No new matter has been added, and support for all amendments can be found in specification as originally filed. (See page 11, line 6 - page 12, line 21).

The present invention is concerned with a system for facilitating the processing and settlement of a securities trade. The system includes a computer which receives trade execution information indicative of an executed trade by a first trading party and trade allocation information indicative of an ordered trade by a second trading party. Executing on the computer is a matching program for comparing the trade execution information with the trade allocation information and for determining that a match exists

if the trade execution information and the trade allocation information correlate within acceptable trade details. As discussed in more detail in the specification, one of the major benefits of such a system is that it allows all data and message flows between the system and each trading party to completely independent of each other. In other words, unlike systems which rely on a sequential series of messages exchanged back and forth between the system and the trading parties, the present invention allows the executing party and the ordering party to enter trade information completely independently of one another. The system then uses this independently entered trade information itself to create matches therebetween.

All claims have been amended to further highlight this novel aspect of the invention. More specifically, all claims have been amended to specifically require that the trade execution information and the trade allocation information include trade data concerning one or more details of the trade itself, and that it is this trade data which is used for the pairing and matching operations. True asynchronicity is thereby achieved.

The system disclosed in Hawkins et al. operates in a completely different manner. The system of Hawkins et al. receives an ordered trade form from an ordering broker and automatically fills in a transaction field 408 of the ordered trade form with a numeric ID specific to the particular transaction. (See column 13, lines 46-47). The order is then transmitted to the executing broker, who, after executing the order, fills in

an executed trade form. The system receives this executed trade form and automatically fills in a transaction field 610 of the executed trade form with a numeric ID specific to the particular transaction. (See column 14, lines 23-24). If the order was placed manually (i.e., outside the system), the executed trade form may be generated first, transmitted to the ordering broker, and then the ordered trade form completed. (See column 11, lines 48-56). However, in either event, the ordered trade form and the executed trade form must be entered sequentially.

Next, the ordered trade form and the executed trade form are "matched" by pairing the corresponding numeric IDs which were assigned by the system. Various messages and confirmations are then generated, some of which may use the trade data contained in the order forms. However, even if it can be said that "matching" occurs, the information being matched cannot be said to be trade data concerning one or more details of the trade itself, as is required by all claims as amended. The information being "matched" is merely arbitrary identification numbers assigned by the system, and is not "trade data," nor is it concerned with "details of the trade itself." While Hawkins et al. discloses that the trade data may be used to generate various confirmations and messages, it does not disclose that this trade data can be used for "matching" or anything similar thereto.

As such, Applicants respectfully submit that there is absolutely no disclosure, teaching or suggestion in Hawkins et al. that the trade data contained in the order forms can be used to perform any type of "matching." It is only the numeric IDs which were assigned by the system which are used to tie together ordered trade forms with executed trade forms. Moreover, Applicants respectfully submit that it would not have been obvious to modify Hawkins et al. to arrive at the present invention as claimed, as there would be absolutely no motivation to do so absent the teachings of the present application. Hawkins et al. relies on the sequential exchange of ordered trade forms and executed trade forms. In this type of system, it is very easy to assign each of the forms an identifier so that the forms may later be "matched." Thus, there would be no reason for one to design a much more complex system of "pairing" and/or "matching" the trade data concerning one or more details of the executed trade itself, as is required by all claims, as amended. This type of "pairing" and/or "matching" was developed by Applicants during development of a completely asynchronous trade settlement system. Thus, before it would even make sense to modify Hawkins et al. to arrive at the present invention, one would have to completely redesign Hawkins et al. to be an asynchronous system. Applicants respectfully submit that such a complete redesign of Hawkins et al. could hardly be considered obvious.

For the foregoing reasons, Applicant respectfully submits that all pending claims, namely Claims 1-53, are patentable over the references of record, and earnestly solicits allowance of the same.

Respectfully submitted,

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